

Application No. 10/538,829
Amdt. dated November 13, 2008
Reply to Office Action May 13, 2008

REMARKS/ARGUMENTS

Reconsideration is hereby requested, as is a three-month extension of time within which to respond thereto.

Applicant has amended all claims which, *inter alia*, respond to the Examiner's Claim Objections of Page 2, ¶1 of the Official Action.

Further, Applicant has cancelled all extant independent claims in favor of new independent Claims 22 and 24. Original Claim 19 references "a cross-over ramp between said sequential parking units." The newly presented independent claims each claim the cross-over ramp between sequential parking units, however, importantly, the new claims particularly define the "sequential parking units" in terms of a respective entry garage having a unidirectional entry ramp and an exit garage having a unidirectional exit ramp, in which the cross-over ramp between the respective entry and exit garages is unidirectional from the entry garage to the exit garage. This change in claim language is abundantly supported in the specification as, for example, may be noted in the first paragraph of the Detailed Description of the Invention as well as in the description of Fig. 2 in the second page of the Detailed Description. Further, Figs. 1-4 clearly set forth that the inventive multi-level bi-unit garage is a mixed-

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use, pedestrian-oriented one which, in pertinent aspect, includes a unidirectional entrance 213 and associated ramp 222 upwardly to the second, third and higher floors of the structure. Conversely, the second part of the structure, now termed the exit garage, employs a uni-directional downward ramp 219 which exits the exit garage at exit area 217. Mason, clearly, does not teach a multi-unit parking complex which is entirely uni-directional from its entrance ramp, throughout parking levels of an entry garage, across a cross-over ramp between the garages and, in turn, uni-directional levels throughout the exit unit of the system, and continuing to a uni-directional exit thereof. In distinction, Mason renders it clear that, while the combined roadways and parking spaces should be one - directional roadways (Page 7, Lines 3-4 thereof), his inclined ramps, ramps 58, 59 and 60 "are of sufficient width for easy passage of cars going in opposite directions so that there can be no congestion of traffic." (Page 5, Col. 1, Lines 41-43 thereof). Also, Applicant's entrance 213 must be at an opposite narrow side of the system from the exit 217, this in distinction to Mason who states (at Page 5, Col. 1, Lines 44-48) that "these ramps can be located at any part of the building desired depending on the location of the streets and on any other conditions it may be necessary to take into consideration." Mason enlarges upon this thought at Page 6, Col. 2, Lines 125-127 in which he recites that "all roadways of any given level are continuous and are accessible from any other unit."

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Mason reinforces the concept of two-directional ramps at Page 7, Col. 1, Lines 44-47, to the effect that "...the inclined ramps leading between the various levels will be two-way roadways." This distinction relative to Applicant's structure is clarified in the claims as amended.

A central consideration in Mason is to optimize ease of automotive movements, including those of truck and horse-drawn vehicles (see Page 7, Col. 1, Line 49) and to provide for walks to stores and offices that are as short as possible. This is not a central consideration in Applicant's structure in which ease of parking and distance between a parked automobile and a store or office within or outside the structure is secondary to broader ergonomic and environmental concerns, as are expressed in the specification. (See Objects of the Invention). In other words, in the inventive system one must ultimately travel through the entire system, using different levels, as needed, across the cross-over traffic ramp, and then navigate one-way travel throughout the exit garage and to the one-way exit ramp. Short walks to retail office and residential usage may or may not be possible depending on how crowded the garage is and the user's destination within a city center 260 anticipated near the Applicant's structure, reflected in Fig. 7 and its description. As such, the inventive mixed-use pedestrian-oriented structure recognizes a more complex urban environment, unimaginable in the time of Mason (*circa* 1930), to achieve ergonomically desirable benefits.

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There also exist significant macro, that is, geometric, differences between Mason and Applicant. More particularly, Mason teaches a structure of monumental size that, in contemporary terms, would have a footprint of two city blocks in length and nearly two city blocks in width, i.e., about three to five square city blocks, whereas each part of the Applicant's structure is intended to fit entirely within a single city block as is reflected in Page 12, ¶2 of the Specification which alludes to its narrow width of 90 to 115 feet. As noted in said paragraph "The narrow width of the garage (approximately 90-115 feet) allows constructional columns 218 to be moved to the perimeter of the parking structure or within said air/light well or atrium 228..." The narrow width of the inventive parking structure requires one way or uni-directional travel at all elements and levels of Applicant's system. See arrows 216 in the top horizontal view of Fig. 1. Applicant's structure, as well, provides for a single vehicular cross-over ramp 204 which connects to the respective entry and garages. This vehicular cross-over ramp 204 between the respective entry and exit garages may be appreciated with reference to Fig. 3 as may the pedestrian cross-over 208. No such dedicated pedestrian cross-overs between parts of the respective units exist in the teaching of Mason.

Further, Applicant employs a solid rectangular atrium 228 to minimize shadowing within the parking structure and improve user safety. In distinction, a defining geometry of the structure of Mason is its series of terraces. There is no

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solid rectangular atrium. This Mason geometry renders impossible the construction of a parking facility of more than three to six stories in height, whereas Applicant's use of a central solid rectangular atrium assures that there is no limit upon the number of parking levels to which Applicant's structure may be built. Accordingly, while Applicant's structure may be narrow in width, its design lends itself to construction to considerable heights. See for example reference to the "higher floors thereof" of one directional upward ramp 222 in the first paragraph of the Detailed Description of the Invention.

The principal objective of Mason is to enable individual businessmen to reach their places of business, or a building within the Mason structure, as efficiently as possible. To this end, Mason employs terraced roadways having a large terraced interior airspace and parking on one side of the roadway adjacent to stores and offices, incorporated into the massive structure of Mason. Understanding this, the differences in objectives between the structures of Mason and Applicant respectively can be more fully appreciated, namely, the creation by Applicant of an enhanced quality walking pedestrian environment within and between Applicant's parking structures and the associated liner buildings, for both residential and business occupants thereof, which are positioned on the exterior of the parking units of the system. This minimizes the need for one to walk upon the parking levels of the structure although it may increase the distance between the location of a parked car and a store,

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residence, or other objective of a user of Applicant's structure. This is safe and ergonomic tradeoff which Applicant makes in achieving his ergonomic goals.

Yet further, Applicant makes consistent use of angled and parallel parking about his atrium and in the context of the above-described very narrow center atrium adjacent to all parking and zaquanes (i.e., breezeways) within the structure, all of which assist in the venting of gases and exhaust fumes. Applicant's long narrow structure is also invaluable in insulating its interior from external noise of the urban environment such as traffic, industry, airplanes and subways.

The focus throughout Mason is that of the needs to the businessman (see for example Mason at Page 1, Col. 1, Line 12, Page 2, Col. 1, Line 35-100, and Page 7, Col. 2, Lines 119-120). In distinction, Applicant's objectives is to effect more ergonomic relationship between vehicle and pedestrian needs, e.g., an "enhanced walking environment through all areas of a liner building and parking structure, inclusive of a major axis thereof, the minor axis thereof and perimeter thereof (Applicant's specification at Page 6, ¶2). This is made possible by Applicant's unique geometry and structure. The above is only possible through Applicant's tightly defined structure which limits the directionality of entry, movement within the garage and exit therefrom. In distinction (Mason Page 2, Col. 1, Lines 101-109) permits cars to proceed to any location in the interior of

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the building essentially without parking restrictions of any type and provides for sidewalks, which would be an untenable luxury of space today.

Given the provision in Mason of huge terraced airspaces, use of sidewalks, arcades and numerous entrances (e.g., Mason at Page 2, Col. 7, Lines 114-120; Page 3, Col. 2, Lines 129-130; Page 4, Col. 1, Lines 4-24; and Page 6, Col. 2, Lines 72-127), the result is to create a city onto itself that includes multi-level roadways which are inconsistent with modern concepts of ergonomic large scale pedestrian activities. Further, each level of each part of the Mason system is accessible from any other part, that is, connecting roadways at any given level exist between each other (Page 6, Col. 2, Lines 24-27).

One Mason cross-over roadway between his units is described at Page 4, Col. 1, Lines 20-24, to the effect that "on the roof of the top story 27 is an automobile roadway in parking space 31 which may be provided with a sidewalk 32 around one side." Fig. 11 of Mason shows cross-overs 19a and 32a at higher levels of his structure. There is however no indication that these cross-overs are uni-directional. In fact, the purpose of the cross-overs of Fig. 11 appears to be to permit ingress and egress to a large building 101 that may be constructed at one end of the Mason structure. In summary, Mason does not teach an auto cross-over ramp between an entry and an exit garage in which the ramp is uni-directional between garages. In fact, the concept of an entry versus an exit

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garage does not exist in Mason which, in essence, teaches two symmetric structures both of which are preferably entered and exited from a central area 55/57. In other words, quite apart from the issue of directionality, the entry/exit strategy of Mason is essentially the opposite of that of Applicant, i.e., Applicant's structure requires entry at the entry garage and exit from the separate exit garage at the opposite end of the building complex, whereas Mason's preferable entry and exit is upon ramps proximally situated along the transverse narrow axis of the structure.

As such, no teaching of Mason anticipates the limitation of Applicant's original Claim 19 which is now incorporated into the newly presented independent claims, or of separate entry and exit garages.

In regard to original Claim 20, Applicant respectfully notes that neither Fig. 9 of Mason nor the description thereof (appearing at Page 5, Col. 2) makes reference to use of a utility in the embodiment of Fig. 9 for purposes of angled parking. Mason does not mention angle parking anywhere and the parking arrangements are left open as space permits (Mason at Page 4, Lines 51-53, Page 5, Lines 40-42, Page 6, Lines 121-127, Page 7, Lines 30-41.)

The Director of Patent is hereby authorized to charge a three-month extension of time fee (\$555); one independent claim fee in excess of three

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(\$110); and four additional claims fee (\$104) to Deposit Account No. 504530.
Please charge any deficiency or credit any overpayment to said Deposit Account.

Regarding Claim 7, 8 and 17, Applicant urges that said claims, as amended, are allowable by reason of their dependency from allowable new independent claims.

No new matter has been added by the amendments to the claims.

In view of the above, all objections and rejections of record are believed to have been satisfactorily responded to and, as such, the early allowance of the claims, as amended, is proper.

Respectfully submitted,
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11. 13. 08
Date of Signature


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